

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 8, 2003**

AGENDA ITEM NO.: **8**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Tyreeanna/Pleasant Valley Neighborhood Plan Public Hearing & Adoption**

RECOMMENDATION: Adoption of the Draft Tyreeanna/Pleasant Valley Neighborhood Plan as a part of the City of Lynchburg Comprehensive Plan.

SUMMARY: The draft Tyreeanna/Pleasant Valley Neighborhood Plan has been prepared to guide future development in the neighborhood. Special consideration has been given to the impact of increased traffic from current and future roadway projects in the neighborhood, as well as any development encouraged by the increased traffic. The plan also addresses the impacts on the neighborhood of the current and future City landfills and of the unsewered portions of the neighborhood on the potential for neighborhood revitalization.

PRIOR ACTION(S):

- Planning Commission Approval of Draft Plan: June 25, 2003. Also considered on May 20, 2003 and February 26, 2003.
- Public Workshop: February 24, 2003
- Neighborhood Plan Steering Committee: seven members representing the neighborhood have met: November 4, 2002; January 6, 2003; February 10, 2003; May 5, 2003.
- Public Works/Utilities Neighborhood Meeting: November 11, 2002

FISCAL IMPACT:

Adoption of the Neighborhood plan will eventually lead to inclusion of items in the City's Capital Improvement Program. Until additional studies, such as the Sewer Master Plan, are completed, specific cost figures are not available. Costs figures will be developed as items recommended in the plan are put into the CIP.

CONTACT(S):

Rachel O. Flynn/ 847-1508, x. 253

Tom Martin/847-1508, x.226

Judith C. Wiegand/847-1508, x.236

ATTACHMENT(S):

The Draft Plan and one Addendum have been distributed previously.

PC Report

PC Minutes

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION ADOPTING THE TYREEANNA/PLEASANT VALLEY NEIGHBORHOOD PLAN AS A PART OF THE CITY OF LYNCHBURG COMPREHENSIVE PLAN.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the Tyreeanna/Pleasant Valley Neighborhood Plan is adopted as a part of the City of Lynchburg Comprehensive Plan.

Adopted:

Certified:

Clerk of Council

119L

To: Planning Commission
From: Planning Division
Date: June 25, 2003
RE: **ADOPTION OF TYREEANNA/PLEASANT VALLEY NEIGHBORHOOD PLAN AS PART OF CITY OF LYNCHBURG COMPREHENSIVE PLAN**

PETITIONER

Tyreeanna/Pleasant Valley Neighborhood Plan Steering Committee

Representative: Judith C. Wiegand, Senior Planner, Department of Community Planning and Development

LOCATION

The Tyreeanna/Pleasant Valley neighborhood is located in the northeast corner of the City of Lynchburg; the area with the City boundary to the north, east, and south, and the stream known as "Joe's Branch" to the west. The area is shown on page 2 of the draft plan.

PURPOSE

The purpose of the petition is to approve the Tyreeanna/Pleasant Valley Neighborhood Plan and to recommend its adoption as a part of the City's Comprehensive Plan.

SUMMARY

- The petition furthers implementation of the City of Lynchburg Comprehensive Plan 2002-2020 in that the first strategy listed in the Five-Year Implementation Program Matrix is adoption of this Neighborhood Plan.
- The process of preparing this neighborhood plan has involved a neighborhood plan steering committee, as well as workshops open to all residents and property owners in the neighborhood.

The Planning Division recommends adoption of the neighborhood plan as a part of the Comprehensive Plan.

FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends preparation and adoption of this neighborhood plan to guide development in the neighborhood over the next 20 years.
2. **Zoning.** Adoption of the neighborhood plan will not change the existing zoning in the area.
3. **Site Description.** The area subject to this neighborhood plan is shown on a map on page 2 of the plan. The area is approximately four square miles, about eight percent of the total area in the City. The population is about 670, or about 1 percent of the total City population. All of the area was annexed into the City in 1976.
4. **Impact.** The plan will guide development in the neighborhood for the next 20 years, including decisions on roadways, post-closure uses of the current landfill, development of the future City landfill, and possible provision of sewer service in unsewered parts of the neighborhood.

The plan provides for new commercial development to be located in a proposed "Village Center" area designed to avoid access directly from Route 460. This new development is expected to serve the increasing number of travelers along Route 460, as well as those in the neighborhood and surrounding areas of Campbell and Amherst counties.

5. **Prior Action(s).** The following public activities were part of the planning process:
 - **Approval by the Planning Commission:** June 25, 2003. Also considered on May 20, 2003 and February 26, 2003.

- **Public Workshop:** February 24, 2003.
 - **Neighborhood Plan Steering Committee (seven neighborhood representatives) met:** November 4, 2002; January 6, 2003; February 10, 2003; May 5, 2003.
 - **Public Works/Utilities Neighborhood Meeting:** November 11, 2002.
 - **City Staff have met with individual property owners on several occasions.**
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PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council adoption of the Tyreeanna/Pleasant Valley Neighborhood Plan as a part of the *City of Lynchburg Comprehensive Plan, 2002-2020*.

This matter is respectfully offered for your consideration.

William T. Martin
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Ms. Kay Frazier, Director of Parks & Recreation
Mr. J. Lee Newland, Director of Engineering
Ms. Judith C. Wiegand, Senior Planner
Mr. David Owen, Waste Management Director
Mr. Tim Mitchell, Assistant Director Utilities
Mr. Gerry L. Harter, Traffic Engineer
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official

ATTACHMENTS

- 1. Draft Tyreeanna/Pleasant Valley Neighborhood Plan**
(Distributed previously)
- 2. Addendum**
(Distributed previously)

MINUTES FROM THE JUNE 25, 2003 PLANNING COMMISSION MEETING.

These minutes have not been reviewed nor approved by the Planning Commission.

Approval of the Tyreeanna/Pleasant Valley Neighborhood Plan and recommendation to the City Council for inclusion of the Neighborhood Plan in the City's Comprehensive Plan.

Ms. Judy Wiegand, Senior Planner, addressed the Planning Commission. Ms. Wiegand told the Commission that it had been approximately three years since the Tyreeanna/Pleasant Valley Neighborhood Plan began, and now it was almost complete. She explained that this land use plan was developed to guide decision making in this neighborhood for the next 20 years or more, and was much like the City's Comprehensive Plan, but was neighborhood specific. Ms. Wiegand said the function of this plan was to address the follow concerns:

- additional traffic anticipated in the neighborhood;
- solid waste disposal issues;
- post-closure use of the land fill;
- location for any new commercial development attracted by the increased traffic;
- encourage the development of City Gateway areas, and
- design guidelines to improve the appearance and function of the area.

She added that in addition to workshops with the Planning Commission and City Council, there had been public input throughout the process. She said the most recent workshop had been in February 2003. Ms. Wiegand explained that the plan was market-driven, and if no one was interested in developing commercial uses in the area, then there would be no new businesses built. She noted that the plan was also an on-going effort. She added that there were still several important processes that were underway or would take place in the future, such as the Commonwealth Transportation Board obtaining funding to design improvements on Route 460; the Virginia Department of Transportation (VDOT) continuing to look at route alternatives, signal locations, and other traffic management approaches, and the City continuing to work with VDOT to make sure the neighborhood's best interests are taken care of. Ms. Wiegand said she was aware of struggles that people on Holcomb Path Road have with traffic from BFI trucks, and is working with the City's Traffic Engineer to develop a solution for the problem. She said they were continuing to work on how to gain access to the Village Center. She added that she was working on how to improve sewer service in the Tyreeanna area based on what develops from the sewer master plan that the City Public Works Department will be preparing in the next year. Ms. Wiegand continued by saying that she will be working with the Public Works and Recreation Departments to determine the best use for the landfill after it is closed. She said she was continuing to encourage investigation of regional solid waste management practices. She added that she expected the City to review and update this Neighborhood Plan every five years, as they would be doing with the City's Comprehensive Plan.

Ms. Wiegand told the Commissioners that a copy of an addendum to the Plan had been included in their packet. She said the addendum included a few small changes proposed as a result of the Access Management Study, including putting the City's Scenic Corridor Overlay District on all or part of Route 460. She said the amendment to the map that Mr. Martin alluded to earlier indicated that a portion of the highway adjacent to the new Madison Heights Bypass and the current Route 460 had been slated for a new employment center, which would change the future land use of that area from Low Density Residential to Employment 2. She said they did not anticipate anyone wanting to build houses so close to these two roadways and the railroad, so they agree that it would be a suitable location for a business.

Ms. Wiegand thanked several people and groups for their help in putting the Tyreeanna/Pleasant Valley Neighborhood Plan together, and asked the Commissioners to approve the plan and recommend to City Council for adoption as part of the Comprehensive Plan.

Commissioner Worthington and Chair Dahlgren expressed their desire for the City to investigate the use of incineration of waste instead of utilizing a landfill after the current landfill is closed and capped off. They said incineration was not a new fad, but had been in use for many years by other countries and localities in the United States.

Ms. Wiegand said she could express the Commission's desire for Council to investigate regional disposal options by including their suggestion in the Plan's summary.

Chair Dahlgren asked Mr. Ed. Miller, Director of Economic Development, if he could tell the Commission any more about the business that wanted to move into the Tyreeanna area.

Mr. Miller explained to the Commission that he could not reveal the company's name, but could share that the company was looking at a 25,000 square foot building, would hire between 30-35 employees, and would invest approximately \$2 million in the business. He said they were still in the planning stages, but were reviewing the new road plans and how they could work with that site. Mr. Miller said with the roads and railroad bordering the site it made sense for a business to go in that location. He said this company has approximately eight other sites in Virginia, and they would like to have a site in Lynchburg area.

Chair Dahlgren said it looked like a great location. He said if they changed the future land use from Low Density Residential to Employment 2, and these people decided not to come to Lynchburg, it would still be very likely that another business would move into that location.

Ms. Pat Adams, 201 Holcomb Path Road, addressed the Commission. Ms. Adams expressed her displeasure with the Tyreeanna/Pleasant Valley Neighborhood Plan, and said most of her neighbors were not in favor of the plan either. She said it seemed that neither VDOT nor the City would listen to people in the area. She said nothing in the area was finalized yet, but they were chopping up the area, and putting in roads and ramps. Ms. Adams said the Health Department was coming to check their septic system and she knew they would condemn their home because their land did not perk. She added that they could not afford to hook up to the City sewer system.

Ms. Susan Schubert, 218 Holcomb Path Road, joined Ms. Adams in her opposition to the plan. Ms. Schubert said the City was going to take part of their property for the Village Center, and she is very much opposed to any new businesses moving into the area. She said the original map showed the road to the Village Center going down her driveway, separating her house from the garage. She added that the City had approved houses being built in an area knowing that the land did not perk. Ms. Schubert said many of their neighbors could not attend this meeting because it was held during the work day.

Chair Dahlgren said he was concerned that more neighbors were not at this meeting. He said the neighbors' opinions did matter, and the Commission did want to hear what they had to say. However, he said, they needed more confirmation of this opposition than just the two people here today. Chair Dahlgren said they needed to figure out how the Commission should handle the circumstances as they stand now and how to resolve the problems and hear more from the neighbors. He added that each time Ms. Wiegand came before them she indicated that there were neighbors who had concerns, and she had always told them what those concerns were.

Commissioner Flint said they were not hearing anything new at this meeting, but they were hearing it from the people who had the concerns.

Ms. Adams and Ms. Schubert both said Ms. Wiegand had come to their houses to review and explain the plan to them.

Ms. Adams said Ms. Wiegand when came to her home she told her that their septic system was not going to be condemned, but Ms. Adams said it would have to be because the land does not perk.

Ms. Wiegand gave a rebuttal. She said she had met with both women at their homes. She said the Utilities and Public Works Departments had worked with this neighborhood for several years concerning landfill and

waste water treatment problems, and many people had gotten discouraged because they did not think anything was happening, or at least, not enough was happening. She explained that in August 2002 they contacted the people in the neighborhood and developed a steering committee of seven members. She added that the Steering Committee had no problems with the plan; however, none of them live on Holcomb Path Road. She continued by saying that for the public workshop in February, approximately 300 letters were mailed to property owners alerting them of the meeting, and more than 40 neighbors attended. She said those in attendance asked lots of interesting questions and expressed lots of concern. Ms. Wiegand said she and other City staff members in attendance answered all of the questions they could and explained that they did not have control over some concerns due to VDOT's decisions on the direction of the new Route 460. After that meeting, she said, the Director of Planning and Development suggested that she send letters to all people whose property was in the proposed Village Center area as seen on map, which included 18 property owners. She said in that letter she expressed her willingness to meet with them, and did, in fact, meet with eight property owners and talked to two property owners on the telephone. She added that one of the 18 property owners is on the Steering Committee. She said that even though the roads were hypothetical, they removed all suggested locations off the map due to property owners' concerns. Ms. Wiegand said she stressed to property owners that they did not have to sell their property for the Village Center if they did not want to, and also told them that the City could not take their property from them. She said the Village Center was the City's way of trying to be proactive and provide a controlled design for this type of development. She added that the City did not have control over where VDOT built roads. Ms. Wiegand said she knew there was still uncertainty among some people and said she would be willing to have another public workshop if the Commission thought it was necessary.

Chair Dahlgren asked if the approval of the plan was delayed, what effect would that have on the business considering moving into that neighborhood. He asked if there was any reason why this portion of the plan should not be considered separately.

Mr. Miller said the company made it clear that they needed to move quickly on this project.

Mr. Martin said when the plan is certified to City Council, it needed to be certified as a whole. He said the Village Center concept required a lot of thought because the City realizes that when the new Routes 29 and 460 opens there will be additional traffic and an increase demand for some type of commercial development.

Commissioner Flint said the City was not going to take land from citizens to implement the Village Center or anything else on the plan. He said he had never heard of a house being condemned because of septic problems. He added that the Health Department worked with people who had drain field problems and thought there were probably grants available to assist with the cost of sewer hook ups. Commissioner Flint said this was a good plan that should be certified at this meeting. He added that he heard nothing at this meeting that would make him change his mind.

Chair Dahlgren asked if the Health Department had never inspected Ms. Adam's property in the past, why would they want to inspect it now.

Ms. Wiegand said that even though she explained that the City would not inspect septic systems, there was a rumor that the City was going to do just that. She said if a sewer system started discharging into a stream or body of water, it would be the responsibility of the Department of Environmental Quality, not the Health Department. Ms. Wiegand said these issues would be dealt with only when they needed to be, and there were agencies in the City that could provide funding to help homeowners fix these problems.

Mr. Martin said realizing that it might be cost prohibitive, the best case scenario would be to sewer the area and install pumping stations. He added that realizing the poor soil types in the area, and that there are probably failing drain fields, the City could look at some type of program to assist the homeowners with the cost of correcting the problem. He said that even though it was not the City's intent to inspect sewer systems, it may seem that way because this plan is market-driven. He said it was not within the City's eminent domain to take property from citizens for private purposes.

Commissioner Worthington said the Planning Commission was not responsible for land that did not perk and septic systems that drained into creeks. He said this was a good plan, this area needed jobs, and VDOT would build roads where ever they wanted them without consulting the City. He said the City of Lynchburg needed to plan for the future. Commissioner Worthington said he had not heard anything at this meeting that would change his opinion, and saw no reason not to proceed with approving this plan.

After discussion, Commissioner Pulliam made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends to the City Council adoption of the Tyreeanna/ Pleasant Valley Neighborhood Plan as a part of the *City of Lynchburg Comprehensive Plan, 2002-2020.*”

AYES:	Dahlgren, Flint, Pulliam, Worthington	4
NOES:		0
ABSTENTIONS:		0